

UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|--------|-------------|----------------------|-------------------------|------------------|
| 10/759,541 | • | 01/16/2004 | Brian T. McGeer | 367618008US1 | 7123 |
| 25096 | 7590 | 10/18/2004 | | EXAMINER | |
| PERKINS | COIE L | LP | DINH, TIEN QUANG | | |
| PATENT-SI P.O. BOX 1 | | | | ART UNIT | PAPER NUMBER |
| SEATTLE, WA 98111-1247 | | | | 3644 | |
| | | | | DATE MAILED: 10/18/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| , | | Application No. | Applicant(s) | |
|------------|--|---|--|----------|
| 1 | | 10/759,541 | MCGEER, BRIAN T. | _ |
| ** | Office Action Summary | Examiner | Art Unit | / |
| | | Tien Dinh | 3644 | <u>ノ</u> |
| Perio | The MAILING DATE of this communication app od for Reply | ears on the cover sheet with the c | orrespondence address | |
| T - | A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication if the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 6(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). | |
| Statu | us | | | |
| 1 |) Responsive to communication(s) filed on | _• | | |
| 2a | This action is FINAL . 2b) This | action is non-final. | | |
| 3 | S)☐ Since this application is in condition for allowan | ce except for formal matters, pro | secution as to the merits is | |
| | closed in accordance with the practice under E | x parte Quayle, 1935 C.D. 11, 4 | 53 O.G. 213. | |
| Disp | osition of Claims | | | |
| 4 | Claim(s) $\underline{1-50}$ is/are pending in the application. | | | |
| | 4a) Of the above claim(s) is/are withdraw | n from consideration. | | |
| | is/are allowed. | | | |
| | S) Claim(s) is/are rejected. | | | |
| | /) Claim(s) is/are objected to. 3) Claim(s) <u>1-50</u> are subject to restriction and/or ∈ | election requirement | | |
| | | noction roquiromont. | | |
| | lication Papers | | | |
| | D) ☐ The specification is objected to by the Examine | | | |
| 10 | O) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the objection is the contract. | | | |
| | Replacement drawing sheet(s) including the correcti | | | |
| 11 | 1) The oath or declaration is objected to by the Ex | = : : | | |
| | | | | |
| | rity under 35 U.S.C. § 119 | | | |
| 12 | 2) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents | s have been received. | | |
| | 3. Copies of the certified copies of the prior | • • | | |
| | application from the International Bureau | · | ya iii ano i tanonai otago | |
| | * See the attached detailed Office action for a list | , | ed. | |
| | | | | |
| _ | hment(s) | | | |
| 1) 2) | Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4) Interview Summary Paper No(s)/Mail D | | |
| 3) 🗖 | Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) 🔲 Notice of Informal F | Patent Application (PTO-152) | |
| | Paper No(s)/Mail Date | 6) 🔲 Other: | | |

Page 2

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-34, drawn to a method, classified in class 220.

II. Claims 35-50, drawn to an apparatus, classified in class 244.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the product can be used to accommodate on-aircrafts.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 703-308-2798. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TD

Tres si